

11-04-05


DAC- #9

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) (Small Entity)	Docket No. 816-P-2-USA
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In Re Application Of: **Edward J. McCrink, et al.**

Application No. 10/519,910	Filing Date Dec. 30, 2004	Examiner	Customer No.	Group Art Unit	Confirmation No.
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Invention: **SEAM WELDED AIR HARDENABLE STEEL TUBING**



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OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☒ was filed on December 30, 2004

The proposed reply is in the form of: U.S. Basic National Fee

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

Rep'n Ref: 12/07/2005 CSHOOT 0009511600
 DA# 501908 Name/Number: 10519910
 FC: 0004

12/07/2005 CSHOOT 00000003 501908 10519910
 DA# 501908
 FC: 2617 65.00 DA

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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 Legal Staff
 International Division

11/07/2005 TBESHAH1 00000016 10519910 7500.00 OP
 01 FC:2453

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
816-P-2-USA

In Re Application Of:

Edward J. McCrink, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/519,910	Dec. 30, 2004				

Invention: **SEAM WELDED AIR HARDENABLE STEEL TUBING**

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|--|-----------------------------|
| 7. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$750.00</u> |
| 8. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 9. <input checked="" type="checkbox"/> Fee for extension of time to reply to Office Action in the amount of: | <u>\$795.00</u> |
| 10. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 12. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 13. <input checked="" type="checkbox"/> <u>Change of attorney address</u> | <u> </u> |
| Total fees enclosed: <u>\$1,545.00</u> | |

The fee of **\$1,545** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
816-P-2-USA

In Re Application Of:
Edward J. McCrink, et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/519,910	Dec. 30, 2004				

Invention: SEAM WELDED AIR HARDENABLE STEEL TUBING

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


Signature

David G. Duckworth
DRUMMOND & DUCKWORTH
4590 MacArthur Blvd., Suite 500
Newport Beach, CA 92660

Dated: November 3, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

CC:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)

Applicant(s): Edward J. McCrink, et al.

Docket No.

816-P-2-USA

Application No.

10/519,910

Filing Date

Dec. 30, 2004

Examiner

Customer No.

Group Art Unit

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Invention: SEAM WELDED AIR HARDENABLE STEEL TUBING

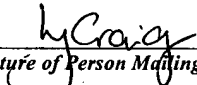
OFFICE OF PETITIONS

I hereby certify that the following correspondence:

Petition for Revival of An Application for Patent Abandoned Unintentionally (Small Entity); Fee,

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 3, 2005*(Date)*Lynne J. Craig*(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)*EV 679382398 US*("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**